IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13336 of 2005

Between:

1 Chintham Anjaneyulu S/o Peda Nagaiah
R/o Gopavaram Village, Mahanandi Mandal, Kurnool
2 Chintham Sriramulu S/o China nagaiah
R/o Gopavaram Village, Mahanandi Mandal, Kurnool

..... PETITIONERS

AND

1 The District Collector, Kurnool
2 The Special Deputy Collector (land Acquisition) Telugu Ganga PRoject, Nandyal, Kurnool District
3 The Superintendign Engineer, Telugu Ganga Project, nandyal Kurnool District
4 The Excutive Engineer, Telugu Ganga Project, Nandyal, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, preferably one in The nature of Writ of Mandmaus declaring the action of the respondents in proposing/resorting to dig the sub-Channel of 13th Block of Telugu Ganga Project in the Petitioners lands situated in Sy. No. 229 and 230 to an extent of Ac. 1.65 cents, in Sy. No. 228/B to an extent of Ac. 1.40 cents and in Sy. No. 231 to an extent of Ac. 2.00 cents of Gopavaram Village, Mahanandi Mandal, Kurnool District, without acquiring the lands and paying compensation by initiating land acquisition proceedings, as illegal, arbitrary and violative of Articles 14,19,21 and 300A of the Constitution of India and consequently direct the respondents not to dig the above said sub-channel till compensation is paid by the petitioners by initiating land acquisition is paid by the petitioners by initiating land acquisition proceedings and pass such other order or orders as this HOn'ble Court may deem fit and proper in the interest of justice

Counsel for the Petitioners:MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:-

The grievance of the petitioners in this writ petition is that respondents 3 and 4 proposed to dig major sub-channel under the 13th Block of Telugu Ganga Project to take the water to Gopavaram, Gajulapalle and surrounding villages of Mahanandi Mandal without acquiring the land of the petitioners and without payment of any compensation. When the respondents came and taking the measurements to dig the sub-channel without considering the representation made by the petitioners, they were constrained to issue legal notice dated 15-9-2004. Therefore, the petitioners filed the present writ petition to give a direction restraining the respondents from digging the sub-channel.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the admission stage itself with a direction to the respondents to initiate the land acquisition proceedings to acquire the land of the petitioners to the extent which they require to dig the sub-channel for the project in question and pay the compensation in accordance with law.

22—06—2005.

Stv/-

To

1 The District Collector, Kurnool

2 The Special Deputy Collector (land Acquisition) Telugu Ganga PRoject, Nandyal, Kurnool District

3 The Superintending Engineer, Telugu Ganga Project, nandyal Kurnool District
4 The Excutive Engineer, Telugu Ganga Project, Nandyal, Kurnool District

5.Two C.D.Copies.

Note: Issue Operative portion by wire.

B.O.